

REMARKS

Claims 1, 3, 8, 10, 12, 13, 15-17, 19-21, 26, 28 and 30-33 are rejected and claims 2, 4-7, 11, 14, 18, 22-25, 29, 34-49 have been withdrawn. In an office Action dated December 26, 2007 the Examiner rejected claims 1, 3, 8, 10, 12, 16, 19 and 20 under 35 U.S.C. 102 (b) as being anticipated by Scarrow (U.S. 5,061,264). The Examiner also rejected claims 21, 26, 28, 30, 32 and 33 under 35 U.S.C. 102(b) as being anticipated by Scarrow. The action was made final. This paper is presented as a submission under 37 C.F.R. § 1.114 in connection with a request for continued examination being filed concurrently with this paper. Applicants respectfully request that the paper filed on June 26, 2008, not be entered, and that this paper be entered as the only reply to the December 26, 2007, Office Action.

Claim Rejections – 35 USC § 102

Claims 1, 3, 8, 10, 12, 13, 15-17, 19-21, 26, 28 and 30-33 stand rejected under 35 U.S.C. 102(b) as being anticipated by Scarrow. This rejection is respectfully traversed.

Applicants have amended independent claim 1 to include the subject matter of previous claim 14. Applicants submit that Scarrow does not disclose at least a fluid transfer assembly “wherein said walls of said inlet port are made of a flexible material and form a first fluid duct between said fluid container and said first luer-lock connector, said fluid transfer assembly further comprising a first clamping member able to compress said walls thereby closing said first fluid duct and preventing undesired fluid passage between said fluid container and said first luer-lock connector” as recited in amended claim 1.

Applicants further submit that Scarrow does not disclose a drug container comprising: a fixed dose of a medical substance, and a cap for sealing said drug container, said cap further comprising a luer-lock connector for attachment to a corresponding connector provided on an inlet port of a container for infusion fluid, thereby creating a luer-lock coupling” as recited in amended independent claim 21.

Accordingly, Applicants request withdrawal of the rejections under Section 102 and reconsideration of the pending claims.

CONCLUSION

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reason for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to amendment. Applicants respectfully request consideration of all filed IDS' not previously considered, by initialing and returning each Form 1449.

All fees are being paid concurrently herewith on the Electronic Filing System (EFS) by way of Deposit Account authorization. Please apply all charges or credits to Deposit Account No. 06-1050, referencing Attorney Docket No. 19497-0016001.

Respectfully submitted,

Date: 10-24-08

Kirk Dorius
Kirk Dorius
Reg. No. 54,073

Fish & Richardson P.C.
One Congress Plaza
Suite 810
111 Congress Avenue
Austin, TX 78701
Telephone: (512) 472-5070
Facsimile: (877) 769-7945